

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

DURRELL ANTHONY PUCKETT,

Plaintiff,

v.

BARAONA, *et al.*,

Defendants.

Case No. 1:21-cv-01448-KES-BAM (PC)

ORDER CONSTRUING FILING AS MOTION  
FOR RE-SERVICE OF SECOND  
SCHEDULING ORDER  
(ECF No. 139)

ORDER GRANTING MOTION FOR RE-  
SERVICE OF SECOND SCHEDULING  
ORDER AND LOCAL RULE 281  
(ECF No. 139)

ORDER DIRECTING CLERK OF COURT TO  
RE-SERVE SECOND SCHEDULING ORDER  
AND LOCAL RULE 281  
(ECF No. 135)

Plaintiff Durrell Anthony Puckett ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This case is set for a jury trial before District Judge Kirk E. Sherriff on March 10, 2026, on Plaintiff's claims against:

(1) Defendants Baraona, Burnitzki, Leos, Hernandez, and Diaz for excessive force in violation of the Eighth Amendment; (2) Defendant Leos for sexual assault in violation of the Eighth Amendment; and (3) Defendants A. Ruiz, E. Ruiz, Meier, Gutierrez, Allison (Cronister), and Price for failure to protect in violation of the Eighth Amendment.

On May 16, 2025, the Court issued a Second Scheduling Order setting the relevant pretrial filing deadlines and dates for the pretrial conference and jury trial in this action. (ECF No. 135.) The order also directed the Clerk of the Court to send Plaintiff a copy of Local Rule 281 setting forth the matters to be addressed in the parties' pretrial statements. (*Id.*)

1 Currently before the Court is Plaintiff's July 24, 2025 filing requesting a "pre-trial  
2 statement rule sheet or guide book/form/pamphlet, a docket sheet for *Puckett v. Catlin*, Case No.  
3 23-cv-0210-JDP, and a notice of when Plaintiff's pre-trial statement is due in the instant action.  
4 (ECF No. 139.)

5 The Court construes the filing as a motion for re-service of the Court's Second Scheduling  
6 Order and Local Rule 281.<sup>1</sup> Although Defendants have not yet had the opportunity to file a  
7 response to Plaintiff's filing, the Court finds a response unnecessary. The motion is deemed  
8 submitted. Local Rule 230(l).

9 Upon review of the docket, it appears Local Rule 281 was not served on Plaintiff with the  
10 Second Scheduling Order. (*See* ECF No. 135.) In addition, in light of Plaintiff's notice of change  
11 of address filed June 4, 2025, it appears Plaintiff may not have received the May 16, 2025 Second  
12 Scheduling Order. Plaintiff's motion for re-service of the Second Scheduling Order and Local  
13 Rule 281 is therefore granted.

14 Accordingly, IT IS HEREBY ORDERED as follows:

- 15 1. Plaintiff's July 24, 2025 filing, (ECF No. 139), is CONSTRUED as a motion for re-  
16 service of Second Scheduling Order and Local Rule 281;
- 17 2. Plaintiff's motion for re-service of Second Scheduling Order and Local Rule 281, (ECF  
18 No. 139), is GRANTED; and
- 19 3. The Clerk's Office shall re-serve on Plaintiff a copy of the Court's May 16, 2025 Second  
20 Scheduling Order, **including a copy of Local Rule 281**, (ECF No. 135).

21  
22 IT IS SO ORDERED.

23 Dated: **July 25, 2025**

24 /s/ Barbara A. McAuliffe  
25 UNITED STATES MAGISTRATE JUDGE  
26  
27

28 <sup>1</sup> To the extent Plaintiff requests a copy of the docket sheet in *Puckett v. Catlin*, Case No. 2:23-cv-00210-JDP, Plaintiff's request will be addressed separately in that action.